

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 96

Short Title: No "Texting" While Driving. (Public)

Sponsors: Senators Bingham; Foriest, Forrester, Jones, McKissick, Stevens, and Tillman.

Referred to: Judiciary II.

February 11, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY
3 ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A
4 PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-137.3(a)(1) reads as rewritten:

7 "(1) Additional technology. – Any technology that provides access to digital
8 media ~~such as~~ including, but not limited to, a camera, electronic mail, music,
9 the Internet, text messaging, or games.

10 **SECTION 2.** Chapter 20 of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 20-137.4A. Unlawful use of additional technology.**

13 (a) Offense. – It shall be unlawful for any person to use additional technology, as
14 defined in G.S. 20-137.3(a)(1), associated with any mobile phone, while operating a vehicle on
15 a public street or highway or public vehicular area.

16 (b) Exceptions. – The provisions of the section shall not apply to any of the following
17 while in the performance of their official duties: a law enforcement officer; a member of a fire
18 department; or the operator of a public or private ambulance.

19 (c) Penalty. – A violation of this section shall be an infraction and shall be punishable
20 by a fine of one hundred dollars (\$100.00) and the cost of court. No drivers license points or
21 insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply
22 with the provisions of this section shall not constitute negligence per se or contributory
23 negligence by the operator in any action for the recovery of damages arising out of the
24 operation, ownership, or maintenance of a vehicle."

25 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
26 offenses committed on or after that date.

